

# EXHIBIT 14

**Certification of Guerino Cento in Support of  
Plaintiffs' Brief in Opposition to Defendant's  
Motion for Summary Judgment**

Page 85

1 Q That would be CBM?

2 A Yes.

3 Q You do know e-Oscar, though, because you know  
4 how to submit an AUD through e-Oscar don't you?

5 A I don't.

6 Q Do you have someone else do that?

7 A Yes. Well, when are you talking about when we  
8 submitted for the correction?

9 Q Yes.

10 A That's through an SR, a service request.

11 Q To CBM?

12 A Yes.

13 Q Can you tell me that SR number for that request?

14 A Yes.

15 My system timed out. I'm going to have to  
16 sign right back in.

17 What was the question? What did you need?

18 I have it up now.

19 Q The SR that caused the AUD.

20 A Okay. It is 1-153262491882.

21 Q What kind of information is in these SRs?

22 A It's just requesting the delinquency to be  
23 removed, based on my approval.

24 Q Does it say why?

25 A Yes. So what it states is that the previous SR

Page 86

1 had been canceled because there was a typo in  
2 the second digit of the VIN number, and it says  
3 letter is attached, we attached the letter to  
4 it, and I asked them to remove the one over 30,  
5 per my approval.

6 Q What previous SR are you referring to?

7 A Let me double-check.

8 The previous SR was on -- do you want the  
9 number?

10 Q Yes, please.

11 A 1-107188222503.

12 Q What's the date of that SR?

13 A That is on 10/8, October 8th, 2019.

14 Q What was the subject of that one?

15 A That one is asking the same thing, they're  
16 asking for their delinquency to be removed at  
17 that time; that they had that letter, the dealer  
18 letter that indicated that they turned it in on  
19 August 9th.

20 Q And the date of the dealer letter was what?

21 A The date of the letter?

22 Q Yes.

23 A Let me check.

24 It's dated September 24th, 2019.

25 Q Who submitted the SR on 10/8?

Page 87

1 A That's a good question. Hold on one second,  
2 because it changes when they --  
3 Q Was it Anna Rodriguez?  
4 A Anna Rodriguez created this, but it says "Admin  
5 Operations." Yeah, I guess it is Anna  
6 Rodriguez. It says "Created by."  
7 Q We see her note that she's doing that on  
8 page 148 of Document 9; right?  
9 A Correct.  
10 Q Dated 10/8 at 11:20?  
11 A Let me get there. I'm sorry, I don't have that  
12 up.  
13 Yes.  
14 Q I'm sorry, the date of that letter from the  
15 dealer was what?  
16 A It's dated September 24th.  
17 Q The dealer letter?  
18 A Yes.  
19 Q Why didn't that SR result in an AUD?  
20 A Based on the SR -- bear with me. I was trying  
21 to read this. There it is.  
22 It says, "SR account status inaccurate.  
23 Wrong VIN number on letter and must be signed by  
24 a representative of the dealership with the  
25 title or position of the company typed."

1 Q How do you interpret that? What does that mean?  
2 A I believe that's CBM's procedure when they  
3 receive notice from the dealership that there's  
4 a correction in the grounding, that they need a  
5 typed letter on letterhead with the dealership  
6 explaining the situation, providing like the  
7 real grounding date, and then they have to sign  
8 it with their position. So if it was, let's  
9 say, the general manager, it would have to say  
10 general manager.

11 Q That SR, had it been completed on October 8th,  
12 would have removed the late payment from the  
13 Ritzes' credit files; right?

14 A Yes, if it was accepted, yes.

15 Q It wasn't accepted because there was a typo in  
16 the VIN number?

17 A Yeah.

18 Q And it wasn't in the format that they wanted it  
19 in?

20 A Yes.

21 Q Did they ever get the format they wanted it in?

22 A No.

23 Q Did you submit the SR?

24 A My representative did.

25 Q When she submitted it on your approval, you had

1 not gotten this properly formatted letter?

2 A No.

3 Q But your SR was processed?

4 A Yes.

5 Q Why?

6 A Because I approved it.

7 Q But you didn't have the properly formatted

8 letter?

9 A No.

10 Q Well, then why did CBM allow it to process?

11 A Because of the approvals. I'm at a level where

12 I can approve it, so I explained there's a typo

13 in the VIN, it's not completely incorrect. The

14 dealership is stating the date, and so we wanted

15 to take it --

16 Q They knew there was --

17 A If it's an exception to the process, I have to

18 approve it.

19 Q CBM knew there was a typo in the number in

20 October.

21 A Yes.

22 Q You said that CBM has a procedure that prohibits

23 them from making that change without this typed

24 letter signed by the dealer?

25 A Yes. And I apologize, I didn't state -- I think

1       they either need an account number or the VIN  
2       number.

3       Q   And they didn't get that so they rejected it in  
4       the first SR; right?

5       A   Yes.

6       Q   On October 8th; right?

7       A   Yes.

8       Q   But you, with your authority, were able to get  
9       them to override that procedure?

10      A   Yes.

11      Q   Well, why is there no note on September 24th  
12       reflecting the receipt of that letter from the  
13       dealer?

14      A   I don't know.

15      Q   Do you know when the letter was received?

16      A   I do not. I only know we received it through  
17       CBM. I'm sorry, not CBM, CFPB. So through the  
18       complaint, the customer had it with the  
19       complaint, so we were able to see it very  
20       quickly.

21      Q   But the dealer sent that letter to you on  
22       September 24th.

23      A   No, he did not.

24      Q   Why not?

25      A   I wasn't involved in that situation at that

1 time. My group did not get involved until we  
2 received the complaint through CFPB.

3 Q So the dealer writes a letter dated  
4 September 24th in which they explained that they  
5 made a mistake and the vehicle should have been  
6 grounded on August 9th and they don't send it to  
7 you?

8 A Not to me, no.

9 Q To Nissan?

10 A Yes.

11 Q Yes, I'm correct, or yes, they sent it?

12 A Oh, yes, they did, they sent it. And I can't  
13 tell you how they sent it. I don't know how  
14 they got it. I can just tell you I got it  
15 through CFPB.

16 Q Where is the record of Nissan receiving the  
17 September 24th letter from the dealer?

18 A I don't know. I honestly don't know how it was  
19 received. It's not documented.

20 Q It's not in the notes; right?

21 A Correct, it's not in the notes and it's not  
22 documented.

23 Q Do you have access to that letter?

24 A I have a copy of it, yes.

25 Q Can you see it on your system?

Page 92

1 A Yes.

2 Q Does the version on your system say when it was

3 received?

4 A It does, yes.

5 Q What is that received date?

6 A August 9th.

7 Q No, does it say when the letter was received?

8 A Oh, I'm sorry. No, it does not. It's like a

9 copy of it.

10 Q There's no stamp indicating when it was

11 received?

12 A There's no stamp.

13 Q Does Navient typically stamp mail when it's

14 received?

15 MR. SIMOES: Objection, Nissan.

16 Q Nissan, does Nissan typically stamp mail when

17 it's received?

18 A It depends. It depends on how we receive it.

19 If it goes through the mail, it will be stamped.

20 If it's faxed in any way, meaning if the

21 dealership faxed it directly to someone, it's

22 not going to be stamped.

23 Q The version that you can see in your system, is

24 it the version of the letter that you got from

25 the CFPB?

1 A It does look like it, yes.

2 Q I want to make sure I'm clear. When it comes to  
3 SRs instructing CBM to remove the late payment,  
4 there were two total, yours and the one before  
5 it?

6 A I would have to check to make sure.

7 Q Okay, let's check that. So you've identified  
8 the SR that was on October 8th. We know about  
9 your own. Is there one either before  
10 October 8th or in between yours and that one?

11 A Let me see.

12 There is. It is opened on September 26th.

13 Q 2019?

14 A I'm sorry, 2019.

15 Q Those are the notes that start at 7:39 a.m. and  
16 go to 8:03 a.m.?

17 A Let me compare.

18 I don't know. This is not the same person.

19 Q Who submitted the SR you're talking about?

20 A The person who submits it is Marco Gutierrez.

21 Q This is September 26th?

22 A Correct, yes.

23 Q What time?

24 A It is at 9:13 a.m.

25 Q And do you know how to spell Marco's last name?

Page 94

1 A I do. It is G-U-T-I-E-R-R-E-Z.

2 Q What department is he in?

3 A At the time, I think he was in customer service.

4 I don't know for sure.

5 Q What SR number did he submit?

6 A He submits 1-103199338422.

7 Q And he submits that on September 26th?

8 A Yes.

9 Q And that AR instructs CBM to remove the 30-day

10 late?

11 A It's requesting them, yes.

12 Q Does it attach the dealer's letter?

13 A It does, yes.

14 Q Is the dealer's letter dated September 24th?

15 A Yes, September 24th.

16 Q So at a minimum, Nissan had the September 24th

17 letter from the dealer acknowledging that the

18 vehicle should have been grounded on August 9th.

19 It had that letter by September 26.

20 A Yes.

21 Q So why, then, going back to Document 9,

22 page 141, don't I see any entry in the notes

23 about this SR?

24 A I don't know.

25 Q You're finding it now by searching for SRs?

Page 95

1 A Yes.

2 Q How could you locate that one so quickly? Did

3 you just search by account number again?

4 A I searched through SR and that account number,

5 yes.

6 Q So this is actually the first SR that was

7 submitted to CBM instructing them to remove the

8 30-day late?

9 A Yes.

10 Q And then there was a second one on October 8?

11 A Yes.

12 Q And a third one, and that's the one you sent;

13 right?

14 A Yes.

15 Q Any others?

16 A No. Let me double-check.

17 I'm just going to look at everything.

18 No.

19 Q Why didn't the SR from September 26 cause an AUD

20 to be sent?

21 A Let me just take a look at it and see what they

22 say.

23 It just says that reporting is accurate.

24 Q What does that mean?

25 A I don't know.

1 Q Which reporting is accurate?

2 A All it's indicating in the SR, it says,

3 "Information furnished to the credit reporting

4 agencies is accurate reflection of your

5 account."

6 Q Even though the SR was telling CBM to remove

7 that late payment?

8 A Yes.

9 Q How do you explain that?

10 A I can't. The CBM can check everything, and if

11 they don't agree, they can override the person

12 that's requesting it.

13 Q Who entered that note on that SR about the

14 reporting being accurate?

15 A Let me see if I can see that.

16 I have an employee log-in. I don't have a

17 name.

18 Q What is the employee's log-in?

19 A B-L-A-C-K-E-3. Let me see if there's something

20 else that would be more --

21 No, I apologize, that's all I have here.

22 Q His log-in name you're saying?

23 A That's his log-in ID.

24 Q Is there any way to figure out what employee has

25 that log-in ID?

1 A Yes, I think we just ask CBM.

2 Q But you can't look it up?

3 A Unfortunately, I don't have the ability to do

4 that. It's not through Siebel or anything.

5 Q Does CBM use a different system?

6 A I'm sure there's a way of looking it up. I just

7 don't know what it is.

8 Q Does CBM use a different system than Siebel?

9 A No.

10 Q Would you agree that this CBM representative

11 made a mistake?

12 MR. SIMOES: Objection as to form.

13 A I don't know why he did, to be honest. It

14 doesn't make sense to me why he denied it,

15 meaning he didn't provide a reason, right. I

16 can only assume that the second one shows that

17 the VIN number is incorrect and that's the

18 reason, and I know that's part of their

19 procedure.

20 Q When you approved your SR, you did it based on

21 exactly the same document?

22 A I did, yes.

23 Q Did you make a mistake?

24 A I made an exception.

25 Q An exception to what?

1 A To the process.

2 Q An exception for a mistake made by the dealer;  
3 right?

4 A Right.

5 MR. SIMOES: Objection to form.

6 Q You're not making an exception for a mistake  
7 made by the Ritzes?

8 A No.

9 Q Does the second SR, the one on 10/8, tell us why  
10 it did not result in an AUD?

11 A I believe it does. Let me double-check.

12 Yes, it does.

13 Q What is the reason it states?

14 A It states, "The account status inaccurate.  
15 Wrong VIN number on letter and must be signed by  
16 a representative of the dealer with title or  
17 position in the company typed."

18 Q Why did you override that procedure?

19 A The reason why I did that was because the VIN  
20 number was off by one digit, so I assessed the  
21 risk that it was low that we were referring to  
22 another vehicle.

23 Q Did anybody ask the dealership to fix it?

24 A I don't know.

25 Q It doesn't seem like anybody did.

1 MR. SIMOES: Objection, form.

2 A I don't know.

3 Q I don't see anything in these notes about  
4 reaching out to the dealership to find out if  
5 this VIN number is wrong.

6 A Yeah.

7 Q Did you do anything to figure out to be sure  
8 that that was in fact a typo? Did you reach out  
9 to the dealer?

10 A No.

11 Q So you were just taking a chance that that was  
12 the same VIN number?

13 A I was, yes.

14 MR. SIMOES: Object to the form.

15 Q Why didn't you confirm it, the typo?

16 A Because it was just one digit.

17 Q Right. But it was one digit, which was enough  
18 for CBM to reject is this request.

19 A Correct.

20 Q So it was important to them. Why did you not  
21 confirm that this was, in fact, a typo?

22 A Again, like he said, it's because it was one  
23 digit. The risk -- we assessed the risk as  
24 being low that this was a different vehicle, so  
25 we made a judgment call and we made the

1 exception, and I overrode CBM's decision.

2 Q Did anyone at CBM complain about you overriding

3 that?

4 A No.

5 Q Did you have any discussion about you overriding

6 it with anybody at CBM?

7 A No.

8 Q You just submitted the SR and your approval is

9 enough to override and no questions asked?

10 A No.

11 MR. SIMOES: Objection as to form.

12 A So we put the reasoning. We said that the VIN

13 number is only off by one digit. So, yes, I put

14 my approval to it, but I also put the reasoning

15 for it as well.

16 Q Well, which is it; because of your approval that

17 they processed it or because the VIN numeral was

18 one digit off?

19 A I would have to say both.

20 Q But they knew that the VIN number was one digit

21 off from the beginning.

22 A Yes. Well -- yes.

23 Q Then why wasn't that enough then?

24 A I don't know.

25 Q Do you think that's odd?

1 MR. SIMOES: Objection as to form.

2 A No, because it's part of their process. The VIN  
3 number is supposed to be correct.

4 Q But it was correct, it was a typo.

5 A There was a typo, yes.

6 Q An obvious typo, at least to you; right?

7 MR. SIMOES: Objection as to form.

8 A Yes.

9 Q In every other way this letter matches up with  
10 the Ritzes' story.

11 MR. SIMOES: Objection as to form.

12 A Yes.

13 Q Right?

14 It would be quite a coincidence if they  
15 were sending you a letter, the same dealership  
16 sending you a letter about a car that was  
17 returned on August 9th and that they not be  
18 talking about the Ritzes; right?

19 A Yes.

20 Q Don't you think that whoever processed that  
21 first SR should have just processed that first  
22 SR and sent the AUD?

23 A Yes, but it's part of their process to  
24 double-check to make sure that everything is  
25 accurate.

1 Q But they didn't double-check.

2 A Well, they did. They showed that it was

3 inaccurate, like the VIN number is wrong.

4 Q An obvious typo is wrong?

5 MR. SIMOES: Objection as to form.

6 A It's a typo, yes.

7 Q An obvious one in the context of the letter;

8 right?

9 MR. SIMOES: Objection as to form.

10 A It is a lower risk that it is something else

11 other than that vehicle, yes.

12 Q Was there any risk that it was anything other

13 than the Ritzes' vehicle?

14 A Yes.

15 Q Reading the letter as a whole, do you think

16 there's any risk there?

17 A No.

18 Q Do you know that Nissan received and responded

19 to 14 ACVDs before you sent your AUV?

20 A No.

21 Q Do you know that in those 14 ACVDs that they

22 responded to, that each and every time they

23 verified that payment was late?

24 A No.

25 Q The SRs were directed to CBM; right?